

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Magdalena Azmitia	Team: Squad #3	CCRB Case #: 201903919	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 04/24/2019 10:40 PM	Location of Incident: § 87(2)(b), § 87(2)(f)	Precinct: 42	18 Mo. SOL 10/24/2020	EO SOL 6/10/2021	
Date/Time CV Reported Wed, 05/08/2019 8:57 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 05/08/2019 8:57 AM		
Complainant/Victim	Type	Home Address			
Subject Officer(s)	Shield	TaxID	Command		
1. POM Alexander Ponceano	10948	962023	042 PCT		
2. POM Jorge Bencosme	20173	963872	042 PCT		
Officer(s)	Allegation	Investigator Recommendation			
A.POM Jorge Bencosme	Discourtesy: Police Officer Jorge Bencosme spoke discourteously to § 87(2)(b)				
B.POM Alexander Ponceano	Discourtesy: Police Officer Alexander Ponceano spoke discourteously to § 87(2)(b)				

Case Summary

On May 8, 2019, § 87(2)(b) filed this complaint over the phone with the CCRB.

On April 24, 2019, at approximately 10:40 PM, § 87(2)(b) called the police after discovering that her locker had been broken into and her underwear had been damaged in her room at § 87(2)(b) in the Bronx, § 87(2)(b), § 87(2)(f). § 87(2)(b) called the police for a report, and PO Alexander Ponceano and PO Jorge Bencosme of the 42nd Precinct responded. PO Bencosme and PO Ponceano allegedly said, “This is bullshit,” that “We don’t have time for this bullshit,” and “Don’t call for this kind of shit” and refused to file a criminal complaint report for § 87(2)(b) (**Allegations A and B, Discourtesy:** § 87(2)(g)).

No video footage of this incident was recovered.

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer Jorge Bencosme spoke discourteously to § 87(2)(b)

Allegation (B) Discourtesy: Police Officer Alexander Ponceano spoke discourteously to

§ 87(2)(b)

§ 87(2)(b) testified to the CCRB that after she explained what had happened to the officers, PO Ponceano and PO Bencosme asked how filing a report would help her [BR 02]. Both PO Ponceano and PO Bencosme stated that the complaint was “bullshit.” They both also stated, “We don’t have time for this bullshit,” and “Don’t call for this kind of shit.” PO Ponceano and PO Bencosme left without filing a complaint report regarding her damaged property.

PO Bencosme testified that that § 87(2)(b) mainly wanted compensation for her damaged items and did not request that a complaint report be filed, and he explained that the matter should be handled in civil court [BR 04]. PO Bencosme did not tell § 87(2)(b) that the officers did not “have time for this bullshit” or tell her that her complaint was “bullshit.” PO Bencosme did not tell § 87(2)(b) not to call for “this kind of shit.” PO Bencosme did not use any profanity when speaking with § 87(2)(b) and did not recall his partner doing so.

PO Ponceano’s testimony to the CCRB was consistent with that of PO Bencosme [BR 03]. PO Ponceano did not make the alleged statements or use any profanity when speaking with § 87(2)(b) nor did he recall his partner doing so.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party [BR 05].
- PO Bencosme has been a member of service for two years. This is the first CCRB complaint to which he has been a party.
- PO Ponceano has been a member of service for three years. This is the first CCRB complaint to which he has been a party.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- On July 19, 2019, a request to determine if a Notice of Claim was filed was submitted; confirmation from the Office of the New York City Comptroller will be forwarded upon receipt [BR 06].
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Squad No.: 3

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date